

Superseded 5/12/2015

76-8-1205 Public assistance fraud defined.

Each of the following persons, who intentionally, knowingly, or recklessly commits any of the following acts, is guilty of public assistance fraud:

- (1) any person who uses, transfers, acquires, traffics in, falsifies, or possesses any SNAP benefits as defined in Section 35A-1-102, SNAP identification card, certificate of eligibility for medical services, Medicaid identification card, fund transfer instrument, payment instrument, or public assistance warrant in a manner not allowed by law;
- (2) any person who fraudulently misappropriates any funds exchanged for SNAP benefits as defined in Section 35A-1-102, or any identification card, certificate of eligibility for medical services, Medicaid identification card, or other public assistance with which he has been entrusted or that has come into his possession in connection with his duties in administering any state or federally funded public assistance program;
- (3) any person who receives an unauthorized payment as a result of acts described in this section;
- (4) any provider who receives payment or any client who receives benefits after failing to comply with any applicable requirement in Sections 76-8-1203 and 76-8-1204;
- (5) any provider who files a claim for payment under any state or federally funded public assistance program for goods or services not provided to or for a client of that program;
- (6) any provider who files or falsifies a claim, report, or document required by state or federal law, rule, or provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;
- (7) any provider who fails to credit the state for payments received from other sources;
- (8) any provider who bills a client or a client's family for goods or services not provided, or bills in an amount greater than allowed by law or rule;
- (9) any client who, while receiving public assistance, acquires income or resources in excess of the amount he previously reported to the state agency administering the public assistance, and fails to notify the state agency to which the client previously reported within 10 days after acquiring the excess income or resources;
- (10) any person who fails to act as required under Section 76-8-1203 or 76-8-1204 with intent to obtain or help another obtain an "overpayment" as defined in Section 35A-3-602; and
- (11) any person who obtains an overpayment by violation of Section 76-8-1203 or 76-8-1204.